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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Russell Pond

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EXAMINER

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ART UNIT

PAPER NUMBER

2617

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/967,070	POND, RUSSELL	
	<b>Examiner</b>	<b>Art Unit</b>	
	EMEM EKONG	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 06/06/2006 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S Patent No. 6091947 to Sumner.

Regarding claim 21, Sumner discloses an apparatus for receiving short voice message service messages from an originating station through a wireless telecommunication network (see figures 1 and 2, col. 1 lines 7-13, and col.2 lines 18-21, i.e. cordless base unit 102), said apparatus comprising: a receive circuitry configured to receive an SVMS message in a packet-data format (see figure 2 and col. 3 line 62- col. 4 line 7, i.e. processing system 204); and a storage device for electronically storing at least a portion of the SVMS message prior to presenting the SVMS message (col. 4 lines 8-24, storage 206); and packet disassembly circuitry to receive the SVMS message in the packet-data format and to process the SVMS message into a digital data format (col. 4 lines 45-64, message processing program store in memory 206).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 1-7, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner in view of US Publication No. 20020146097 A1 to Vuori.

Regarding claims 1 and 20, Sumner discloses a system and an apparatus for transmitting short voice message service messages to an intended recipient through a radio communication network (abstract, col. 1 lines 7-13, and col.2 lines 18-21)

said system comprising: a first communication station, comprising: a packet-data generator for converting an SVMS message into a packet-data format for transmission;

and a storage device for electronically storing the SVMS message until it can be transmitted to an SVMS-MSC(see figure 3, and col. 6 lines 6-30, storage 306 holds the

voice mail prior to delivery, converts voice call to voice mail for store and forward processing).

However, Sumner fails to specifically disclose an SVMS-MSC for receiving the packetized SVMS message and storing it until it can be transmitted to the intended recipient short voice message service.

Vuori discloses an SVMS-MSC for receiving the packetized SVMS message and storing it until it can be transmitted to the intended recipient short voice message service (pars. 34-35, and 51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Sumner and have an SVMS-MSC for receiving the packetized SVMS message and storing it until it can be transmitted to the intended recipient short voice message service as disclosed by Vuori for the purpose of storing and forwarding.

Regarding claim 2, the combination of Sumner and Vuori discloses the system of claim 1, further comprising a microphone in the first communication station (terminal) for receiving an audio input (see figure 12, pars. 0050 line 5, and par. 0056 line 14), converting it into electronic signals, and providing the electronic signals to the packet-data generator (means) (reads on claim 2)(par. 0056).

Regarding claim 3, the combination of Sumner and Vuori discloses the system of claim 1, further comprising a text to speech (TTS) converter in communication with the

first communication station for converting a text file into digital audio form and providing the digital audio signal to the packet-data generator (Vuori, par. 0058).

Regarding claim 4, the combination of Sumner and Vuori discloses the system of claim 1, wherein the intended recipient is a mobile telephone, and said system further comprises a home location register (HLR) for storing information regarding the mobile telephone (Vuori, see fig. 3, and pars. 0036, 0050).

Regarding claim 5, the combination of Sumner and Vuori discloses the system of claim 4, wherein the SVMS-server queries the HLR to determine if the mobile telephone is SVMS capable (Vuori, pars. 0036, 0050).

Regarding claim 6, the combination of Sumner and Vuori discloses the system of claim 5, wherein the SVMS-server, upon receiving a response from the HLR indicating that the mobile telephone is not SVMS capable, delivers the SVMS message by an alternate delivery method (Vuori, par. 0051).

Regarding claim 7, the combination of Sumner and Vuori discloses the system of claim 5, further comprising a voice-mail server (means for storage) in communication with the SVMS-MSC and accessible to the subscriber, and wherein the alternate delivery method includes storing the SVMS message as a voice-mail message on the voice-mail server (Vuori, par. 0051).

Regarding claim 9, the combination of Sumner and Vuori discloses the system of claim 1, wherein the first communication station is connectable to the Internet such that the SVMS message may be transmitted to the SVMS-MSC through the Internet (Vuori, see figure 6, and par. 0041).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner in view of Vuori, and further in view of U.S Patent No. 6891811 B1 to Smith et al. (Smith).

Regarding claim 8, the combination of Sumner and Vuori discloses the system of claim 4, however, the combination fails to disclose wherein the SVMS-server queries the HLR to determine if the mobile telephone is SVMS capable and the location of the mobile telephone (Smith, col. 2 lines 49-63, and col. 3 lines 40-61).

Smith discloses wherein the SVMS-server queries the HLR to determine if the mobile telephone is SVMS capable and the location of the mobile telephone (Smith, col. 2 lines 49-63, and col. 3 lines 40-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination, and have the SVMS-server queries the HLR to determine if the mobile telephone is SVMS capable and the location of the mobile telephone as disclosed by Smith for the purpose of routing voice message to the mobile telephone.

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8. Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Vuori.

Regarding claim 10, Smith discloses a method of enabling the transmission of an SVMS message from an originating station to a target station through a wireless telecommunication network (see figures 6-8, and pars. col. 1 line 50-col. 2 line 32),

said method comprising the steps of: receiving an SVMS message in an SVMS server; storing the SVMS message in a data storage device in communication with the SVMS server (col. 2 lines 18-32, and 64-67);

determining a transmission path to the target station for delivering the SVMS message; and transmitting the SVMS message (col. 3 lines 40-65).

However fails to disclose receiving an SVMS message in packet-data format in an SVMS server.

Vuori discloses receiving an SVMS message in packet-data format in an SVMS server (pars. 34-35, and 51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith, by receiving an SVMS message in packet-data format in an SVMS server as disclosed by Vuori for the purpose of storing and forwarding processing.

Regarding claims 11-14, the combination of Smith and Vuori discloses the method of claim 10, further comprising the step of verifying delivery of the SVMS



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message to the target station; and further comprising the step of sending a delivery confirmation notice to the originating station, upon verifying delivery (col. 3 lines 59-65);

further comprising the step of determining if the target station is SVMS capable (col. 3 line 66-col. 4 line 14);

wherein the step of transmitting comprises transmitting the SVMS message to the target station upon determining that the target station is SVMS capable (col. 4 line 15-35).

Regarding claim 15, the combination of Smith and Vuori discloses the method of claim 13, wherein the step of transmitting comprises transmitting the SVMS message to a voice-mail server for storage (Vuori, par. 0051).

Regarding claim 16, the combination of Smith and Vuori discloses the method of claim 15, further comprising the step of sending to the target station a notification that the SVMS message was transmitted to a voice-mail server (Vuori, par. 0051).

Regarding claims 17 and 18, the combination of Smith and Vuori discloses the method of claim 10, wherein the SVMS message is received from an SVMS portal; and wherein the SVMS portal is a World Wide Web site accessible by subscribers to direct that an SVMS message be generated upon the occurrence of a certain event (see figure 2, and col. 6 line 46-col. 7 line 41).

Regarding claim 19, Smith discloses an apparatus of enabling the transmission of an SVMS message from an originating station to a target station through a wireless telecommunication network (see figures 6-8, and pars. col. 1 line 50-col. 2 line 32),

said apparatus comprising means for receiving an SVMS message in an SVMS server (SMSC 501); means for storing the SVMS message in a data storage device in communication with the SVMS server (storage subsystem) (col. 2 lines 18-32, and 64-67); means for determining a transmission path to the target station for delivering the SVMS message; and means for transmitting the SVMS message (col. 3 lines 40-65, SMSC 601).

However fails to disclose means for receiving an SVMS message in packet-data format in an SVMS server, and means for storing the SVMS message in the SVMS server.

Vuori discloses means for receiving an SVMS message in packet-data format in an SVMS server and means for storing the SVMS message in the SVMS server (pars. 34-35, and 51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Smith, and have means for receiving an SVMS message in packet-data format in an SVMS server, and means for storing the SVMS message in the SVMS server as disclosed by Vuori for the purpose of storing and forwarding processing.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to mobile device:

U.S. Patent. No. 6917917 B1 to Kim

U.S. Patent. No. 4872160 to Hemmedy et al.

U.S. Publication No 2002/0077131 A1 to Mizell et al..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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